

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: To Be Assigned
Filing Date: To Be Assigned
Applicant: Pangerc et al
Group Art Unit: To Be Assigned
Examiner: To Be Assigned
Title: STORAGE CONTAINER
Attorney Docket: 0275Y-000357/COC

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information submitted for consideration by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. ___ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. X Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number
09/840,278
10/126,500

U.S. Filing Date
April 23, 2001
April 19, 2002

C. X Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D. ____ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. X Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. X A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. ____ See the attached foreign patent office communication from a counterpart foreign application:
2. ____ English translations are provided for:
3. X Other:

DT 1814157 appears to show a container with a system of inner partitions which may be manufactured of plastic materials by injection molding. The bottom wall of the container comprises holes into which knobs (21) provided at the bottom ends of partition elements (Figs. 2-5) are inserted. The partition elements comprise grooves for inserting wall elements (26 in Fig. 8).

DT 2149305 appears to show a locking mechanism for a container having a container bottom (1) and a container lid (2). The locking mechanism comprises a slider element (7) provided in a lower section (5) of the locking mechanism mounted on the container bottom (1), and an upper section (4) of the locking mechanism provided on the container lid (2) and having a locking hook (3).

DE 3150873A1 appears to show a container having two container elements (1, 2) connected by a hinge arrangement (6, 7, 8). In the embodiment of Figure 11, a hinge portion (40, 41, 42) seems to be shown which comprises outer sections (40, 42) open to the upper side and a central section (41) open to the rear side.

DE 3714789C2 appears to show a molded plastic container which comprises column- or pin-like supports (28) of hollow frusto-conical shape in the corners formed by the inner walls (15) of the bottom part (17) and the lid part (18).

G 8500645.9 appears to show a container having two identical container halves (10) of plastic material connected through a hinge incorporating hinge portions formed by open sections (23) into which a corresponding rod (26) is snapped. A cover plate (50) may be connected to the hinge arrangement by means of its hinge elements (52) which are snapped onto the free portion of a hinge pin (48) also provided in the hinge arrangement. A slider (38) mounted on each of the halves can be laterally displaced into locking engagement with a locking member (34) on the other half.

G 8515834.8 appears to show a tool kit or box having a lid (D) pivotably connected to the bottom container section (U) through a hinge arrangement (24, 26). Locking can be effected by a latch slider (8) provided within the handle opening of the lid (D) on a rib (9 in Figure 6) which has a dowtail cross-section. A correspondingly shaped rib (10 in Figure 5) is provided on the bottom container section (U) and the latch slider (8) can be moved into engagement therewith to lock the container.

G8602551.1 appears to show a suitcase having projections (6) in the bottom wall of the lower half and recesses (8) of the upper half which permit stacking of a plurality of such suitcases.

G8814319.8 appears to show a container, in particular for first aid articles. Partition walls (24, 25) can be selectively positioned by means of positioning elements (11 in Figures 5 and 6) which are inserted into positioning holes (9) of lateral walls and close the 90° corners at least in the area of the holes.

G8906411.9 appears to show a kit or suitcase having cover plates (14, 15) coupled with the hinge arrangement for the main sections (2, 3) of the kit or suitcase.

G8907073.9 appears to show a system for forming storage chambers on a base plate (2) having a pattern of holes into which vertical columns (4) can be inserted which form slots for receiving partition walls (17).

G9312160.1 appears to show a toolbox or kit with a pivotable lid (2) having at its upper side a label or the like bonded thereto. The lid (2) comprises a plurality of projections (6) at its upper side (4) which enclose a plane receiving space (7) for the label (K).

DE29517259U1 appears to show a double tool case which, comprises a large container (10) with two cover elements (11), each having a plurality of recesses (12) for receiving tools or tool elements as well as a flange (13) at their inner sides. A smaller container (20) has two cover elements, both comprising recesses (21) for receiving tools or tool elements.

DE29702619U1 appears to show a suitcase having a variable volume, which suitcase comprises a main portion (10) of two stable frame halves (20, 30) connected by a hinge arrangement wherein shell-like inserts (41, 42; 51, 52) of different depths can be inserted into the main part (10).

C. ____ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. X The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Art Unit</u>
10/126,500	April 19, 2002	3727
09/840,278	April 23, 2001	

V. THIS IDS IS BEING FILED UNDER

A. X 37 C.F.R. § 1.97(b): (check only one box)

1. X within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. ____ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ____ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ____ 37 C.F.R. § 1.97(c): (check only one box)

• before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. ____ See the certification below. No fee is required.

C. ____ 37 C.F.R. § 1.97(d):

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ____ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

- A. ____ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or
- B. ____ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).
- C. ____ Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

____ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not

received by any individual designated in 37 C.F.R. 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A. ☐ A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. ☐ Please charge Deposit Account No. 02-2548 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 02-2548.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2548.

Respectfully submitted,

Dated: 10-27-03

By: Ryan W. Massey
Ryan W. Massey
Reg. No. 38,543

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

#4

FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 1 of 3	ATTORNEY DOCKET NO.	SERIAL NO.
	0275Y-000357/CPA	To Be Assigned
	APPLICANT	
	Pangerc et al	
	FILING DATE	GROUP
	To Be Assigned	

 JCT11 U.S. PTO
 10/26/00
 04/19/02

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.	Se	Des.229366	11/1973	Yonce	+	
2.		Des.264396	05/1982	Harvey et al	+	
3.		Des.333727	03/1993	Schurman	+	
4.		Des.345650	04/1994	Boyd	+	
5.		Des.347114	05/1994	Tengvall	+	
6.		Des.390358	02/1995	Calmeise	+	
7.		Des.400011	10/1998	Palmer et al	+	
8.		Des.417077	11/1999	Sheu	+	
9.		Des.418977	01/2000	Streich	+	
10.		416425	12/1889	Schmitt	+	
11.		1849565	03/1932	Brady	+	
12.		2012800	08/1935	Allen	+	
13.		3459327	08/1969	Harris	+	
14.		3698404	10/1972	Greco	+	
15.		3836043	09/1974	Levin	+	
16.		4210252	07/1980	Cooke et al	+	
17.		4213532	07/1980	Eggert et al	+	
18.		4615464	10/1986	Byrns	+	
19.		4884689	12/1989	Su-Chin	+	
20.		4930753	06/1990	Alvyn	+	
21.	Se	4934549	06/1990	Allen	+	

Examiner: <i>A. Costello</i>	Date Considered: 1/03
------------------------------	-----------------------

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 2 of 3	ATTORNEY DOCKET NO.	SERIAL NO.
	0275Y-000357/CPA	To Be Assigned
	APPLICANT	
	Pangerc et al	
	FILING DATE	GROUP
	To Be Assigned	

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.	Se	5050733	09/1991	Brennan	+	
23.	Se	5553710	09/1996	Takama	+	
24.	Se	5915553	06/1999	Brown et al	+	

FOREIGN PATENT DOCUMENTS							
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation	
						Yes	No
1.	Se	DT1814157	12/1968	Germany	+		X
2.		DE3714789C2	05/1987	Germany	+		X
3.		G85006459	01/1985	Germany	+		X
4.		DE29517259U1	10/1995	Germany	+		X
5.		DE29702619U1	02/1997	Germany	+		X
6.		EP0620159B1	03/1997	EPO	+	X	
7.		WO90/08631	08/1990	WIPO	+	X	
8.		WO94/11258	05/1994	WIPO	+	X	
9.		G8602551.1	01/1986	Germany	+		X
10.		G9312160.1	08/1993	Germany	+		X
11.		G8515834.8	05/1985	Germany	+		X
12.		G8814319.8	11/1988	Germany	+		X
13.		G8906411.9	05/1989	Germany	+		X
14.	Se	G8907073.9	06/1989	Germany	+		X

Examiner: <u>Se</u>	Date Considered: <u>1/03</u>
---------------------	------------------------------

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 3 of 3	ATTORNEY DOCKET NO.	SERIAL NO.
	0275Y-000357/CPA	To Be Assigned
	APPLICANT	
	Pangerc et al	
	FILING DATE	GROUP
	To Be Assigned	

FOREIGN PATENT DOCUMENTS							
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes No	
15.	<i>Sc</i>	DT 2149305	10/1971	Germany	<i>+</i>		X
16.	<i>Sc</i>	DE 3150873A1	12/1981	Germany	<i>+</i>		X

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
1.		

Examiner: <i>S. Costello</i>	Date Considered: <i>1/03</i>
------------------------------	------------------------------

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Notice of References Cited

Application/Control No.

10/126,500

Applicant(s)/Patent Under
Reexamination
PANGERC ET AL.

Examiner

Stephen J. Castellano

Art Unit

3727

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,860,549	01-1999	Allers et al.	220/4.23
	B	US-4,736,850	04-1988	Bowman et al.	206/570
	C	US-4,619,364	10-1986	Czopor, Jr., Edmund J.	206/379
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.